

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 6, 12, 17, and 23 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-64 are pending and under consideration. Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. § 1.116:

Applicant(s) request(s) entry of this Rule 116 Response because the amendments of claims 1, 6, 12, 17, and 2 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, at page 2, claims 1-3 5-9, 11-20, and 22-64 were rejected under 35 U.S.C. § 103 in view of admitted prior art and U.S. Patent No. 5,966,399 to Jiang et al. ("Jiang"). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Jiang describes a diffractive planar lens element 44 etched into the uppermost surface of the second stack 22 and capable of focusing and/or collimating laser emission 12 without the necessity for an external lens or lens array. See column 6, lines 47-63 of Jiang. Independent claim 1 has been amended to further clarify the presently claimed invention. Accordingly, rather than the diffractive planar lens element 44 of Jiang being "a micro-lens disposed in a window region and comprising a single convex surface **having an arch extending through the entire**

window region through which the laser beam is emitted to collimate the laser beam across the entire window region,” emphasis added, as recited in independent claim 1, the lens element 44 is etched into the uppermost surface of the second stack 22 of distributed Bragg reflectors, as shown in FIG. 2 of Jiang. FIG. 2 of Jiang clearly shows that the lens element 44 is not a single convex surface. Accordingly, it is respectfully requested that independent claim 1 and related dependent claims be allowed.

Referring to independent claim 6, the Office Action overlooks some of the claimed features recited in this claim. Specifically, the Office Action indicates, “since the combined structure of admitted prior art and Jiang is identical to the claimed device the combined structure satisfies the Fraunhofer diffraction condition as claimed. However, the concept of providing “the window region comprises a maximum width smaller than a size of light generated in the active layer emitted towards the window region, satisfying a Fraunhofer diffraction condition, where the Fraunhofer diffraction condition occurring in the window region is offset by a focusing power of the micro-lens,” as recited in independent claim 6 is not broached by either the admitted prior art nor Jiang. Jiang does not teach or suggest that the diffractive planar lens 44 “comprises a maximum width smaller than a size of light generated in the active layer emitted towards the window region, satisfying a Fraunhofer diffraction condition, where the Fraunhofer diffraction condition occurring in the window region is offset by a focusing power of the micro-lens;” thus, it is unreasonable to conclude that both structures of the micro-lens and the diffractive planar lens 44 are the same. Because neither Jiang nor the admitted prior art provide the claimed features of the window region of independent claim 6, an ordinary person skilled in the art can only conclude that the combined structure of the admitted prior art and Jiang is not the same as that claimed in independent claim 6.

In addition, Jiang fails to teach or suggest, “a micro-lens disposed in a window region through which the laser beam is emitted to collimate the laser beam across the entire window region, wherein the micro-lens comprises an arch extending through the entire window region,” as recited in independent claim 6. Rather, the cited reference provides the collimating laser emission including lens element 44. Accordingly, it is respectfully requested that independent claim 6 and related dependent claims be allowed.

Referring to independent claim 12, this claim recites, “a micro-lens disposed in a window region and comprising a single convex surface having an arch extending through the entire window region through which a laser beam is emitted to collimate the laser beam across the entire window region.” Independent claim 17 recites, “a micro-lens disposed in a window region

through which a laser beam is emitted to collimate the laser beam across the entire window region, wherein the micro-lens comprises an arch extending through the entire window region.” Further, independent claim 23 recites, “a micro-lens integrally formed on a laser beam emitting surface of the VCSEL and comprising a single convex surface disposed in a window region through which a light beam is emitted to collimate the light beam across a window region to emit a parallel light beam, wherein the single convex surface comprises an arch extending through the entire window region.” The arguments presented above for independent claim 1 supporting the patentability of these claimed features are incorporated herein. Applicants respectfully assert that the admitted prior art and Jiang, individually or combined fail to teach or suggest all the claimed features of independent claims 12, 17, and 23 and, accordingly, it is requested that independent claims 12, 17, and 23 and related dependent claims be allowed.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.


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If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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